

AN ORDINANCE BY

BY COUNCILMEMBER NATALYN MOSBY ARCHIBONG

05-0-0399

**AMENDING THE CODE OF ORDINANCES
OF THE CITY OF ATLANTA BY ADDING A
NEW ARTICLE IV ENTITLED "GREEN
SPACE ACQUISITION PROGRAM"; AND
FOR OTHER PURPOSES.**

WHEREAS, green space (parks, nature preserves) is becoming a precious commodity in the City of Atlanta with the explosive growth the region is experiencing; and

WHEREAS, the inability of the city to purchase additional green space at today's inflated prices is becoming a serious concern for the citizens and city leaders; and

WHEREAS, the lack of funding within the Department of Parks, Recreation and Cultural Affairs' operating and capital budgets does not afford it the opportunity to purchase additional green space; and

WHEREAS, the City of Atlanta is behind other major cities as it relates to public parkland acquisitions; and

WHEREAS, other jurisdictions are following strategic plans to enhance their green space through management and growth with the assistance of taxpayers through bond referendums and other funding mechanism; and

WHEREAS, no additional parkland has not been purchased by the City of Atlanta since the property acquired for the Clear Creek CSO Project (Halpren and West Lumber sites) in 1995; and

WHEREAS, the accumulation of green space has a positive impact (health, environment and economics) to the city and the communities where it is located;

WHEREAS, the creation of a green space acquisition program similar to the municipal art program that will require a 1.5% on all publicly financed city development will give the city a mechanism to provide the necessary funding to assist the City of Atlanta in restocking its green space; and

WHEREAS, improvements to existing parks and facilities, purchasing and accepting additional green space for the citizens of the City of Atlanta would assist the city further in becoming an environmentally friendly city.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA; as follows:

SECTION 1: That the City of Atlanta's Code of Ordinances is amended by adding a new Article IV which reads as follows:

ARTICLE IV. GREEN SPACE ACQUISITION PROGRAM

Sec. 47-90. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Conservation easement means an agreement between a land owner and the (local jurisdiction) or other government agency or land trust that permanently protects open space or greenspace on the owner's land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

Construction project means any capital project, including but not limited to those paid wholly or in part by the city with voter non-school general obligation bonds, annual general obligation non-school bonds, public grants except where prohibited, park improvement funds, revenue bonds and general funds, for the purpose of constructing or remodeling any building, decorative or commemorative structure, park, street, sidewalk, parking facility or utility or any portion thereof within the city.

Developer means a person who undertakes land development activities.

Green space means permanently protected areas of the site that are preserved in a natural state, especially in the form of parks and natural preserves.

Eligible funds means funds which pay for actual construction costs. This excludes funds which pay for engineering, architecture, acquisition, land acquisition and interest costs, as well as any incidental costs not associated with construction. Further, it refers only to that portion of public funds, which come from sources other than general obligation school bonds, private grants (except where expressly stated in the conditions of the grant itself) and assessment programs.

Green space account means the account within each eligible fund in which one and one-half percent of all eligible funds for construction projects are deposited each year, and of which 75 percent shall be expended on the selection, purchase, design and development of green space, and 25 percent reserved for maintenance of green space and green space administration by the Bureau of Parks. The Finance Department shall be the administrator of all green space accounts and all expenditure authority rests with the Mayor and City Council on said accounts.

Green space sending areas or properties. Before property in a green space sending area may sever or transfer development rights, such transfer must be approved either in the same transaction as the purchase or dedication by approval of the application by the governing body or by separate application filed no later than ninety (90) days after the transfer of the property to the city. In order to become a green space sending property, a parcel or lot must be the type of property, which would meet the definition set forth in O.C.G.A. § 36-22-2(3) (as amended). Any property purchased by the city for use as green space need not be acquired with funds made available from the community green space trust fund to be eligible as a green space sending property but in all purchases made by the city, the purchase price of the property must be reduced by the appraised value of any development rights which are severed or transferred.

Green space strategy means an annual plan developed and administered by the Bureau of Planning for the aesthetic enhancement of all capital construction projects paid for by eligible funds in a particular year.

Land development means any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

Land development activities mean those actions or activities which comprise, facilitate or result in land development.

Land development project means a discrete land development undertaking.

New development means a land development activity on a previously undeveloped site.

Open space means permanently protected areas of the site that are preserved in a natural state.

Sec. 47-91. Policy.

A policy is established to direct the inclusion of green space in all construction projects developed in the city of Atlanta. The city's public green space strategy shall set out a collective vision for green space, which meet community needs and provides a reference point for allocating resources and detailed plans of action. The strategy will guide the development, administration and maintenance of public green space in Atlanta.

Sec. 47-92. Funds for public green space.

All requests for appropriations for construction projects from eligible funds as defined in section 47-90 shall include the encumbrance of an amount equal to one and one-half percent of the estimated cost of such projects for public green space and shall be accompanied by contractual requirements authorizing the Bureau of Parks to expend such funds after the same have been deposited into a green space account. When any such request for construction projects is approved, the appropriation for such construction projects shall be made and shall include an appropriation of funds for green space, at the rate of one and one-half percent of project costs to be deposited into the green space account as a line item in each fund. Money identified by each bureau, or agency for its green space percentage program shall be expended for payees as prescribed by the green space plan, as provided in section 47-93(2).

Sec. 47-93. Authority of Bureaus of Parks and Planning.

To carry out its responsibilities under this article, the Bureaus of Parks and Planning shall:

- (1) Prepare for review by the Mayor and Council, a Public Green Space Strategic Plan which shall outline the expenditure of funds from the green space account(s). Such Plan shall include, but not be limited to, the method(s) of selecting, purchasing, specific locations and expenditures for specific green space, and maintenance and administration of the public green space program;
- (2) Cause the Public Green Space Strategic Plan to be an integral part of the office's recommendations with regard to the City's Comprehensive Development Plan and the Capital Improvement Plan;
- (3) Bring to the attention of the City Council any proposed public green space acquisition requiring extraordinary operation or maintenance expenses;
- (4) Make recommendations to the Council as to the amount of money required in advance to carry out contracted acquisition(s); for the purchase of public green space and shall be approved by the council and mayor prior to payment; and

- (5) Review prior to final payment of all public green space acquisition in order to report on the status of the green space inventory as it relates to the city's approved Public Green Space Strategic Plan.
- (6) Approve all expenditures from green space accounts of which 75 percent shall be expended on the selection, purchase, design and development of green space, and 25 percent reserved for maintenance of green space and green space administration by the Bureau of Parks.
- (7) Develop procedures for implementation of a policy governing the acceptance of gifts of public green space to the city and the policy governing the process for the de-accessioning of public green space.
- (8) Establish guidelines for and recommend the appointment of a Public Green Space Advisory Committee comprised of representatives from the business community, the arts community and the citizens of the city, to advise and assist the bureaus of parks and planning on matters regarding the implementation of a Public Green Space Strategic Plan for Atlanta.
- (9) Review and approve all capital construction projects for compliance with the percent for green space section of the Code of Ordinances, and determine if said percent for green space funds shall be utilized on or about a specific project, or pooled with other funds for larger public green space projects located within the city, with the assistance of the Public Green Space Advisory Committee.

Sec. 47-94. Acceptance of public green space.

Public green space purchased or donated pursuant to this article may be placed into the City's inventory of public green space and used in accordance with the public green space strategy. The acceptance of public green space shall be authorized by the City Council after a report of the Mayor or the mayor's designee.

47-95. Account and payments.

There is established a special account within each eligible fund designated the "public green space account into which funds are appropriated as contemplated by section 47-92 and 47-93 hereof shall be deposited. Each disbursement from such account(s) or from other appropriations for public green space shall be approved by the Bureaus of Parks and Planning, as authorized by the City Council. Twenty-five (25%) percent of each public green space account shall be reserved for the administration and maintenance of public green space by the Bureau of Parks.

Sec. 47-96. Waiver of article.

This article may be waived by resolution adopted by the city council and approved by the mayor when the construction project covered under this article is not appropriated for green space.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are and the same is hereby waived in this instance only.

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First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

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Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

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CERTIFIED

FINAL COUNCIL ACTION
☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☐ RC Vote

MAYOR'S ACTION